THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27294 of 2005

Date:22.12.2005

R.Somanarasaiah.

--------PETITIONER

The Managing Director and others.

---------RESPONDENTS

ORDER:

The petitioner was appointed as a Watchman in A.P.GENCO, 1st respondent herein, on compassionate grounds. An employee by name Rapolu Venkataiah, who was working as JPA, died on 03.04.2000. The petitioner claims that he is the son of the deceased-employee i.e., Rapolu Venkataiah.

A complaint was received by the respondents to the effect that the actual name of the petitioner is Rapolu Uppalaiah and that he has impersonated as Somanarsaiah S/o.Venkataiah. A charge memo was issued and thereafter, an Enquiry Officer was appointed. The Enquiry Officer submitted his report on 13.02.2004, stating that none of the persons examined in the enquiry were revealing any information and that the matter needs to be probed into by the Agencies concerned, such as Police. It was in this context that the respondents have taken recourse to D.N.A.Test through A.P.Forensic Science Laboratories, Hyderabad. On the basis of a report received from the Laboratories, the 2nd respondent issued a show cause notice, dated 15.10.2005, directing the petitioner to explain, as to why he shall not be dismissed from service. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel

for the respondents.

Interference with a show cause notice in a Writ Petition is a rare phenomenon. Unless it is pointed out that the show cause notice was issued by an authority not vested with the power, or that there was serious infraction of principles of natural justice, this Court does not interfere with the proceedings at that stage. In the instant case, the petitioner does not state that the authority, who issued the show cause notice, does not have power, or that no enquiry has taken place, before the show cause notice came to be issued.

The petitioner had urged several grounds touching on the correctness and validity of the findings in the report of the Forensic Science Laboratory. It is difficult for this Court to appreciate those contentions. He can point out the same in the explanation, and there is no reason to suspect that the 2nd respondent would not take the same into account. Further, it is not known as to whether any final order has been passed so far.

For the foregoing reasons, the Writ Petition is disposed of, leaving it open to the petitioner to submit his explanation, if not already submitted, to the 2nd respondent, pointing out all the grounds urged by him before this Court. In case no final order has been passed as yet, the 2nd respondent shall consider the objections raised by the petitioner, while passing the final order. There shall be no order as to costs.

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22.12.2005

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